

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WANXIA LIAO,

Plaintiff,

v.

RONALD QUIDACHAY, et al.,

Defendants.

No. C 05-1888 CW

ORDER DENYING
PLAINTIFF'S
MOTION FOR
RECONSIDERATION

On January 24, 2007, the Court granted Defendants' motion to dismiss and entered judgment in favor of Defendants. On February 12, 2007, Plaintiff filed a notice of appeal seeking review of various orders, including the January 24, 2007 order. On February 23, 2007, Plaintiff moved in this Court for relief from the judgment pursuant to Federal Rule of Civil Procedure 60.

"The filing of a timely and sufficient notice of appeal has the effect of immediately transferring jurisdiction from the

1 district court to the court of appeals with respect to any matters
2 involved in the appeal." G & M, Inc. v. Newbern, 488 F.2d 742, 746
3 (9th Cir. 1973) (internal citations omitted). The district court
4 is divested of authority to proceed further with respect to such
5 matters except in aid of appeal, to correct clerical errors, or to
6 aid in the execution of a judgment that has not been superseded.
7 In re Thorp, 655 F.2d 997, 998 (9th Cir. 1981). The purpose of
8 this rule is to avoid the confusion and waste of time that might
9 flow from putting the same issues before two courts at the same
10 time. Id.

11 The Court lacks jurisdiction over Plaintiff's motion, which
12 seeks reconsideration on legal grounds of an order which is on
13 appeal. Therefore, the Court DENIES Plaintiff's motion for
14 reconsideration (Docket No. 53).

15 IT IS SO ORDERED.

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17 Dated: 4/11/07



18 CLAUDIA WILKEN
19 United States District Judge
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